

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Baltimore Division)**

**CAPITAL FUNDING, LLC,**

**Plaintiff,**

**V.**

AVI “ZISHA” LIPSCHUTZ, ET AL.

### Defendants.

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**Civil Action No. CCB-18-0215**

## **DEFENDANTS' MOTION TO STAY**

Defendants Avi “Zisha” Lipschutz and Larry Lipschutz, by and through their undersigned counsel, respectfully submit this motion to stay. In support of their motion, defendants state as follows:

1. Plaintiff filed this action to collect upon personal guarantees of defendants for loans made to purchase skilled nursing homes (the “homes”) in Massachusetts.
2. On January 28, 2018, plaintiff also filed an action in the United States District Court for the District of Massachusetts to appoint a receiver over the nursing homes entities. On March 9, 2018, the court granted plaintiff’s motion. That case is pending.
3. On February 14, 2018, the entities to which the loans were issued filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Eastern District of New York. That case is pending.
4. This litigation arises out of similar issues of law and fact as the pending bankruptcy litigation and receivership action.
5. As set forth in defendants’ accompanying memorandum, a stay of this action will

promote judicial economy, avoid confusion and inconsistent results, and prevent undue prejudice to the defendants.

6. Plaintiffs will suffer no prejudice if this Court grants a stay of sixty days.

7. On two occasions—once by phone and the other by email— counsel for plaintiff informed defense counsel that plaintiff will not agree to stay this case.

WHEREFORE, defendants respectfully request that this Court stay the case for 60 days.

Respectfully submitted,

/s/ Ari S. Casper  
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Attorney for Defendants

**REQUEST FOR HEARING**

Defendants respectfully request a hearing on this motion.

/s/ Ari S. Casper  
Ari S. Casper

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of April 2018, the foregoing Motion for Stay, Memorandum in Support of Motion to Stay with supporting exhibits, and proposed Order, were served *via* electronic filing on all counsel of record, including:

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